

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/19/2021

Federal Defenders OF NEW YORK, INC.

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

July 19, 2021

BY ECF

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Hugo Mendoza
21 Cr. 273 (VEC)

Honorable Judge Caproni,

I write as counsel to Hugo Mendoza in the above-captioned matter to respectfully request a 45-day extension of Mr. Mendoza's motions schedule. The Government consents to this request.

On May 25, 2021, following Mr. Mendoza's initial conference in this matter, the Court set a pretrial motions schedule and a schedule for motions in limine. The defense did not file pretrial motions in this matter. Motions in limine are currently due July 30, 2021, with responses due August 13, 2021. Proposed voir dire questions and requests to charge are due August 27, 2021. Mr. Mendoza is currently released on bond; there is no trial date set for this matter.

Since the start of this case, the parties have actively worked to reach a pretrial disposition of this matter. Over the past several weeks, the defense has reviewed the discovery in this case, which has been produced on a rolling basis. The most recent discovery production was completed on July 9, 2021. The parties' efforts to reach a pretrial resolution remain ongoing. To that end, the defense has requested—and the Government is working to arrange—a meeting with the bureau chiefs to continue negotiations.

Further, as the Court is aware, on June 7, 2021, Mr. Mendoza escaped an electrical fire in his home that destroyed his family's entire house, including all of the discovery he had received to date. Since then, Mr. Mendoza has moved between hotels and other temporary housing in New York City. Over the past several weeks, Mr. Mendoza has focused on rebuilding his life and securing permanent housing for himself and his family, making discussions about his criminal case more challenging than usual.

For these reasons and given the logistical hurdles of pretrial preparation inherent to Covid-19, in addition to the fact that there is currently no trial date set in this matter, Mr. Mendoza respectfully requests a 45-day adjournment of all pending deadlines in this case. Mr. Mendoza believes the additional time will enable him to reach a pretrial resolution of this matter without the need for motions practice. The Government consents to this request.

Thank you for your consideration of this request.

Respectfully submitted,

/s/
Marne Lenox
Assistant Federal Defender
(212) 417-8721

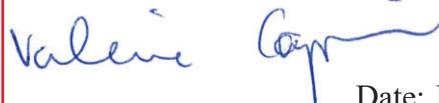
cc: Ni Qian, Assistant U.S. Attorney

Application GRANTED.

Motions in limine are due **September 10, 2021**, with responses due **September 24, 2021**. Proposed *voir dire* questions and requests to charge are due **October 8, 2021**. Proposed *voir dire* question should be focused specifically on the facts of this case or the COVID-19 pandemic. The Court will give the parties at least one-month advance notice of the trial date.

Time is excluded until **November 1, 2021**, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial given the logistical difficulties of trial preparation caused by COVID-19 and the recent fire at Defendant's home.

SO ORDERED.



Date: July 19, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE